

December 15, 2011

Mark C. Ellison
202-457-7661

Marlene H. Dortch
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
TW-A325
Washington, DC 20554

Re: *In the Matter of Requests for Waiver of Various Petitioners to Allow Establishment of 700 MHz Interoperable Public Safety Wireless Broadband Networks*, Order, PS Docket No. 06-229 Notice of Ex Parte Meeting

Dear Ms. Dortch,

On December 13, 2012, Jennifer Cetta and the undersigned, both of Patton Boggs LLP, ("Counsel") on behalf of the Cities of San Jose, San Francisco, and Oakland, CA (the "Bay Area Cities"), met with Jennifer Manner, Genero Fullano, Erika Olsen (by phone), Robert Pavlak, and Brian Hurley of the Federal Communications Commission's ("Commission") Public Safety and Homeland Security Bureau.

The purpose of the meeting was to discuss the status of the expedited waiver request that the Bay Area Cities intend to file seeking a waiver of the 60-day time limit for execution of a new lease with the Public Safety Spectrum Trust (PSST) pursuant to the Commission's Memorandum Opinion and Order released on May 20, 2010, in the aforementioned docket.

Counsel advised Bureau officials that the filing of the waiver request is expected to occur within the next week, subject to availability of all supporting documents, including a resolution of support from the BayRICS Joint Powers Authority ("BayRICS").

Subsequently, on December 14, 2011, Counsel advised Ms. Manner, Mr. Fullano and Ms. Olsen that the San Jose City Council ("City Council") on December 13, 2011, approved use of the San Jose radio sites for the BayWEB project and authorized the Mayor of San Jose to sign and file the impending waiver petition. The City Council also had directed its voting representative on the BayRICS Authority to vote against the proposed agreement between Motorola and the BayRICS


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Authority for construction and implementation of the public safety communications system due to concerns about the terms of that agreement.

Kindly direct any questions regarding this matter to the undersigned.

Respectfully submitted,



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